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7 Attorneys for Plaintiffs

8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 DANIEL AUERBACH and PATRICK
11 CARNEY (collectively and professionally
12 known as "THE BLACK KEYS"); THE
13 BLACK KEYS PARTNERSHIP d/b/a
14 MCMOORE MCLESST PUBLISHING;
and BRIAN BURTON p/k/a DANGER
15 MOUSE individually and d/b/a SWEET
SCIENCE,

16 Plaintiffs,

17 v.

18 PIZZA HUT, INC., a Delaware corporation;
30TH CENTURY MASTERS LLC, a
19 Virginia limited liability company; THE
MARTIN AGENCY, INC., a Virginia
20 corporation; THE INTERPUBLIC GROUP
OF COMPANIES, INC., a Delaware
21 corporation; and DOES 1 - 10, inclusive,

22 Defendants.

Case No. CV12-05385 ODW (JCx)

**JOINT STIPULATION
REQUESTING VACATING OF
SCHEDULING CONFERENCE SET
FOR DECEMBER 10, 2012;
DECLARATION OF CHRISTINA E.
DJORDJEVICH**

Assigned to the Honorable Otis D.
Wright

Scheduling Conference Date: December
10, 2012
Time: 1:30 p.m.

Proposed Hearing Date: January 7, 2013
Time: 1:30 p.m.

STIPULATION

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2 Plaintiffs Daniel Auerbach, Patrick Carney (collectively and professionally
3 known as "The Black Keys"), The Black Keys Partnership d/b/a McMoore McLesst
4 Publishing and Brian Burton p/k/a Danger Mouse d/b/a Sweet Science (collectively
5 "Plaintiffs") and Defendants Pizza Hut, Inc., 30th Century Masters LLC, The Martin
6 Agency, Inc. and The Interpublic Group of Companies, Inc., by and through their
7 respective counsel of record, hereby stipulate and agree as follows:

8 1. By Order dated August 17, 2012, this Court set the Scheduling
9 Conference in this Action for October 29, 2012;

10 2. By Order dated October 15, 2012, this Court granted the parties' request
11 for a continuance of the Scheduling Conference in light of the parties' ongoing
12 settlement discussions, and continued the date to November 26, 2012;

13 3. By Order dated November 13, 2012, this Court granted the parties'
14 request for a continuance of the Scheduling Conference in light of the parties' ongoing
15 settlement discussions, and continued the date to December 10, 2012;

16 4. The parties to this action have reached a settlement agreement in
17 principle that will result in the voluntary dismissal of this action;

18 5. The parties are in the final stages of documenting such settlement
19 agreement, and will imminently be circulating such settlement agreement for approval
20 and signature by the multiple parties involved in this action;

21 6. Accordingly, the parties respectfully request, subject to the Court's
22 approval, that, rather than continue the scheduling conference again and in order to
23 avoid unnecessary expenditure of attorneys' fees on the preparation of a Joint Report
24 and attendance at a hearing that will prove to be unnecessary in light of the agreement
25 of the parties, the Court vacate the scheduling conference currently set for December
26 10, 2012, and set a hearing for January 7, 2013 at which, if settlement has not yet been
27 finalized by that time, the parties will be required to show cause at that time as to why
28 settlement has not yet been finalized.

1 7. Good cause having been shown for this request, the parties respectfully
2 make this request in order to allow the parties time to document their settlement
3 agreement, and respectfully request that the Court maintain this action on its active
4 docket in the interim.

5 8. This is the parties' third request to adjourn the scheduling conference.
6 The parties appreciate the Court's patience. This will be the parties' final request to
7 adjourn the scheduling conference.

8 9. All signatories listed below, and on whose behalf the filing is submitted,
9 concur in this filing's content and have authorized this filing.

10
11 DATED: November 26, 2012 **RUSSELL J. FRACKMAN**
12 **CHRISTINE LEPERA**
13 **CHRISTINA E. DJORDJEVICH**
14 **MITCHELL SILBERBERG & KNUPP LLP**

15 /s/ Christina E. Djordjevich
16 CHRISTINA E. DJORDJEVICH
17 Attorneys for Plaintiffs

18 DATED: November 26, 2012 **MARCIA B. PAUL**
19 **SEAN M. SULLIVAN**
20 **DAVIS WRIGHT TREMAINE LLP**

21 /s/ Sean M. Sullivan
22 SEAN M. SULLIVAN
23 Attorneys for Defendants
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DECLARATION

I, Christina E. Djordjevich, declare:

1. I am an attorney admitted to practice before this Court. I am an associate in the law firm of Mitchell Silberberg and Knupp LLP, and I am counsel for Plaintiffs in this matter. The facts stated below are true of my own personal knowledge, except where indicated that they are upon information and belief, and, if called to testify, I could and would competently testify thereto.

2. By Order dated August 17, 2012, the Court set the Scheduling Conference in this matter for October 29, 2012.

3. By Order dated October 15, 2012, the Court granted the parties' stipulation requesting a continuance of the Scheduling Conference in this matter, and set the continued Scheduling Conference for November 26, 2012.

4. By Order dated November 13, 2012, this Court granted the parties' request for a continuance of the Scheduling Conference in light of the parties' ongoing settlement discussions, and continued the date to December 10, 2012.

5. The parties to this action have reached a settlement agreement in principle that will result in the voluntary dismissal of this action and the parties are currently in the final stages of documenting such settlement agreement, and will imminently be circulating such settlement agreement for approval and signature by the multiple parties involved in this action.

6. Accordingly, the parties respectfully request, subject to the Court's approval, that, rather than continue the scheduling conference again and in order to avoid unnecessary expenditure of attorneys' fees on the preparation of a Joint Report

1 and attendance at a hearing that will prove to be unnecessary in light of the agreement
2 of the parties, the Court vacate the scheduling conference currently set for December
3 10, 2012, and set a hearing for January 7, 2013 at which, if settlement has not yet been
4 finalized by that time, the parties will be required to show cause at that time as to why
5 settlement has not yet been finalized.

6 7. This request is the third request by the parties to adjourn the scheduling
7 conference in this action.
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9 I declare under penalty of perjury under the laws of the United States of
10 America that the foregoing is true and correct.

11 Executed on November 26, 2012 in New York, New York.
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14 /s/ Christina E. Djordjevich
Christina E. Djordjevich
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